

Notice of Allowability

Application No.

10/828,965

Examiner

Hrayr A. Sayadian

Applicant(s)

DELFYETT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/21/2004.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4/21/2004 *MS*
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election Requirement

1. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species from the ones described below.
2. This application and originally presented claims 1-40 are directed to the following patentably distinct species:
 - A. An embodiment described throughout the detailed description having the mutually exclusive characteristic of stretching a pulse, amplifying the stretched pulse, and then compressing the amplified pulses. See, for example, claims 1-31.
 - B. An embodiment described in the detailed specification having the mutually exclusive characteristic of stretching the pulse, compressing the pulse, and then amplifying the pulse. See, for example, claim 32-40.
3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the ones described above (A and B), even though this requirement is traversed.
4. Applicants' representative, Mr. Steinberger, elected with traverse in a telephone interview on the morning of May 11th, 2006, to have claims directed to Species A be examined.
5. Claims 32-40 are therefore withdrawn from examination.

Allowance

5. Claims 1-31 are pending in this application and they are all allowed.

Examiner's Amendment

6. On May 12th, 2006, Mr. Steinberger, Applicants' representative, authorized in a telephone interview the following amendments to the claims:

Claim 13, line 5, the recitation "means for amplifying the stretched" has been amended to --means for amplifying by the amplifying medium the stretched--.

Claim 21, line 5, the recitation "means for amplifying the stretched optical pulses" has been amended to --means for amplifying by the amplifying medium the stretched optical pulses;--.

Claims 32-40 have been cancelled, without prejudice, while expressly retaining Applicants' right to file divisional application(s) presenting claims 32-40 for examination.

Examiner's Statement of Reasons for Allowance

7. The following is the Examiner's Statement of Reasons for Allowance:

The independent claims are allowed because the prior art fails to disclose: stretching the pulses to have duration longer than the storage time of an amplifier and then have the stretched pulses be amplified by the amplifier.

Although various prior art references disclose several of the limitations in the independent claims, these references and their combination fail to disclose the above recited features.

For example, Pre-Grant Published Patent Application 2004/0263950 by Fermann et al. discloses in paragraphs [0041] and [0042] the described feature (describing amplifying stretched pulses by Raman amplifiers, which amplifiers have a very short storage time and therefore the stretched duration would be longer than the amplifier storage time). But this patent application on its face has a priority date after the effective priority date of the present application. It therefore appears not to be prior art against this application.

Pre-Grant Published Patent Application 2005/0058462 by Talebpour et al. also discloses the described feature (describing amplifying stretched pulses by Raman amplifiers or Semiconductor amplifiers, which amplifiers have a very short storage time and therefore the stretched duration would be longer than the amplifier storage time). But this patent application also on its face has a priority date after the effective priority date of the present application. It therefore appears not to be prior art against this application.

And U.S. Patent No. 6,885,683 to Fermann et al. discloses stretching, amplifying, and then compressing optical pulses. But this application discloses using rare earth-doped fiber amplifiers, which amplifiers have a rather long storage time (on the order of milliseconds). The

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stretched pulse duration in this application is not disclosed as being longer than the amplifier storage time.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CLOSURE


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hrayr A. Sayadian whose telephone number is (571) 272-7779. The examiner can normally be reached Monday through Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun O. Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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for
SPE Minsun Harvey